

HB1097_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.HB13-1097 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **repeal** 30-10-609
4 as follows:

5 **30-10-609. Physicians summoned - compensation.** ~~In any case~~
6 ~~wherein the coroner orders a post-mortem examination, he may summon~~
7 ~~one or more licensed physicians to make a scientific examination of the~~
8 ~~body of the deceased, and each such physician shall be allowed~~
9 ~~reasonable compensation for his services. The amount of such~~
10 ~~compensation shall be determined by the coroner within the limits~~
11 ~~prescribed by the board of county commissioners. Any person so~~
12 ~~summoned may rely on the coroner's act in ordering an examination, and~~
13 ~~it shall be legally presumed that he has acted with due legal authority.~~

14 **SECTION 2.** In Colorado Revised Statutes, **repeal** 30-10-621 as
15 follows:

16 **30-10-621. Removal of pituitary gland - authorization.**
17 ~~(1) Whenever a post-mortem examination is performed pursuant to~~
18 ~~section 30-10-606 (2), the examining physician may remove the pituitary~~
19 ~~gland from the body of the deceased for the purpose of medical research,~~
20 ~~education, or therapy if:~~

21 ~~(a) The removal is performed in conjunction with a post-mortem~~
22 ~~examination performed under the jurisdiction of the county coroner;~~

23 ~~(b) The removal will not impede or interfere with the investigation~~
24 ~~which gave rise to the post-mortem examination and will not significantly~~
25 ~~alter post-mortem appearance;~~

26 ~~(c) No prior objection by the decedent is made known or no~~
27 ~~objection by the decedent's next of kin is expressed at the time of the~~
28 ~~post-mortem examination and the decedent was not a known member of~~
29 ~~a religious group with a public position in opposition to tissue removal.~~

30 ~~(2) No county coroner or licensed physician acting pursuant to~~
31 ~~section 30-10-606 (2) and acting in good faith and in accordance with~~
32 ~~subsection (1) of this section with respect to the removal of a pituitary~~
33 ~~gland nor any facility in which such removal takes place shall be liable~~
34 ~~for damages in any civil action or subject to prosecution in any criminal~~
35 ~~proceeding for his act.~~

36 **SECTION 3.** In Colorado Revised Statutes, **amend** 30-10-606 as
37 follows:

38 **30-10-606. Coroner - inquiry - grounds - postmortem - jury -**

1 **certificate of death.** (1) THE RESPONDING LAW ENFORCEMENT AGENCY
2 SHALL NOTIFY THE CORONER WHEN A DEATH IS DISCOVERED OR
3 CONFIRMED AS SOON AS PRACTICABLE AFTER THE SCENE IS SAFE AND
4 SECURE. The coroner shall immediately notify the district attorney
5 ~~proceed to view~~ OR HIS OR HER DESIGNEE IF BY PRIOR AGREEMENT, AND
6 THEN AT HIS OR HER DISCRETION PROCEED TO THE SCENE TO VIEW the
7 body. ~~and make~~ UPON ARRIVAL OF THE CORONER, LAW ENFORCEMENT
8 SHALL MAKE ALL REASONABLE ACCOMMODATIONS TO ALLOW THE
9 CORONER TO COLLECT TIME-SENSITIVE INFORMATION SUCH AS BODY AND
10 SCENE TEMPERATURE, LIVIDITY, AND RIGOR. THE CORONER, IN
11 COOPERATION WITH LAW ENFORCEMENT, SHALL MAKE all proper inquiry
12 ~~respecting~~ IN ORDER TO DETERMINE the cause and manner of death of any
13 person in his OR HER jurisdiction who has died under any of the following
14 circumstances:

15 (a) ~~From~~ IF THE DEATH IS OR MAY BE UNNATURAL AS A RESULT OF
16 external INFLUENCES, violence, ~~unexplained cause~~, or ~~under suspicious~~
17 ~~circumstances~~ INJURY;

18 (a.3) DUE TO THE INFLUENCE OF OR THE RESULT OF INTOXICATION
19 BY ALCOHOL, DRUGS, OR POISON;

20 (a.5) AS A RESULT OF AN ACCIDENT, INCLUDING AT THE
21 WORKPLACE;

22 (a.7) WHEN THE DEATH OF AN INFANT OR CHILD IS UNEXPECTED OR
23 UNEXPLAINED;

24 (b) ~~Where~~ WHEN no physician is in attendance or ~~where~~ WHEN,
25 though in attendance, the physician is unable to certify the cause of death;

26 (c) ~~From thermal, chemical, or radiation injury~~ A DEATH THAT
27 OCCURS WITHIN TWENTY-FOUR HOURS OF ADMISSION TO A HOSPITAL;

28 (d) From criminal abortion, including any situation where such
29 abortion may have been self-induced;

30 (e) From a disease which may be hazardous or contagious or
31 which may constitute a threat to the health of the general public;

32 (f) IF THE DEATH OCCURS FROM THE ACTION OF A PEACE OFFICER
33 OR while in the custody of law enforcement officials or while incarcerated
34 in a public institution;

35 (g) When the death was sudden and happened to a person who
36 was in APPARENT good health; or

37 (h) ~~From an industrial accident~~ WHEN A BODY IS UNIDENTIFIABLE,
38 DECOMPOSED, CHARRED, OR SKELETONIZED; OR

39 (i) CIRCUMSTANCES THAT THE CORONER OTHERWISE DETERMINES
40 MAY WARRANT FURTHER INQUIRY TO DETERMINE CAUSE AND MANNER OF
41 DEATH OR FURTHER LAW ENFORCEMENT INVESTIGATION.

1 (1.1) ~~After consultation with the district attorney,~~ The coroner
2 may SHALL request that jurisdiction of ~~any such~~ A death be transferred to
3 the coroner of the county in which the event which resulted in the death
4 of the person occurred, with the jurisdiction effective upon the acceptance
5 by the receiving coroner. ~~Such~~ THE transfer shall be in writing, and a
6 copy thereof shall be maintained in the offices of the transferring and
7 receiving coroners. THE DISTRICT ATTORNEY FROM EACH COUNTY
8 INVOLVED IN THE TRANSFER SHALL BE CONTACTED PRIOR TO THE
9 TRANSFER UNLESS PRIOR AGREEMENTS HAVE BEEN ESTABLISHED.

10 (1.2)(a) When a person dies as a result of circumstances specified
11 in subsection (1) of this section or is found dead and the cause of death
12 is unknown, the person who discovers the death shall report it
13 immediately to law enforcement officials or the coroner, and the coroner
14 shall take legal custody of the body.

15 (b) The body of any ~~such~~ person WHO DIES AS A RESULT OF
16 CIRCUMSTANCES SPECIFIED IN SUBSECTION (1) OF THIS SECTION shall not
17 be removed from the place of death ~~except upon the~~ PRIOR TO THE
18 ARRIVAL OF THE CORONER OR HIS OR HER DESIGNEE OR WITHOUT THE
19 authority of the coroner OR HIS OR HER DESIGNEE UNLESS IT IS NECESSARY
20 TO IDENTIFY THE VICTIM, TO PROTECT THE PROPERTY FROM DAMAGE OR
21 DESTRUCTION, OR TO PRESERVE AND PROTECT EVIDENCE, OR PROTECT
22 LIFE, HEALTH, OR SAFETY. THE CORONER, in consultation with the district
23 attorney or local law enforcement agency, ~~nor shall any article on or~~
24 ~~immediately surrounding such body be disturbed until authorized by the~~
25 ~~coroner in consultation with the district attorney or local law enforcement~~
26 ~~agency~~ SHALL FACILITATE THE TIMELY REMOVAL OF THE BODY TO
27 PRESERVE AND PROTECT EVIDENCE. THE CORONER MAY ORDER THE
28 REMOVAL OF THE BODY FOR FURTHER INVESTIGATION OR RELEASE THE
29 BODY TO THE NEXT OF KIN IF NO FURTHER INVESTIGATION IS REQUIRED BY
30 LAW ENFORCEMENT.

31 (c) IF A SUICIDE NOTE RELATED TO THE DEATH IS FOUND AT THE
32 PLACE OF DEATH, THE CORONER OR LAW ENFORCEMENT AGENCY
33 ACCORDING TO A PRIOR AGREEMENT SHALL TAKE CUSTODY OF THE NOTE
34 AS WELL AS ANY OTHER DOCUMENTATION RELATED TO THE CAUSE OR
35 MANNER OF DEATH AS IS APPROPRIATE. IF THERE IS NO PRIOR AGREEMENT,
36 LAW ENFORCEMENT SHALL HAVE THE AUTHORITY TO TAKE CUSTODY OF
37 THE SUICIDE NOTE AND SHALL PROVIDE A COPY OF THE SUICIDE NOTE TO
38 THE CORONER. THE CORONER SHALL HAVE THE AUTHORITY TO VIEW THE
39 SUICIDE NOTE PRIOR TO RECEIVING A COPY.

40 (d) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE CORONER
41 IN COLLABORATION WITH LOCAL LAW ENFORCEMENT SHALL IDENTIFY THE

1 DECEASED, DETERMINE THE DECEASED'S NEXT OF KIN, AND NOTIFY THE
2 APPROPRIATE NEXT OF KIN OR OTHER PERSONS OF THE DEATH.

3 (e) IN THE CASE OF A NONCRIMINAL INVESTIGATION, IN ORDER TO
4 ASSIST WITH THE IDENTIFICATION OF THE DECEASED, LOCATION AND
5 IDENTITY OF NEXT OF KIN, AND DETERMINATION OF THE CAUSE AND
6 MANNER OF DEATH, THE CORONER, IN COOPERATION WITH LAW
7 ENFORCEMENT, HAS THE AUTHORITY TO COLLECT, EXAMINE, AND STORE,
8 OR REQUEST LAW ENFORCEMENT TO COLLECT, EXAMINE, AND STORE, ANY
9 DOCUMENTS, EVIDENCE, OR INFORMATION, INCLUDING INFORMATION
10 AVAILABLE IN ELECTRONIC DEVICES SUCH AS PHONES OR COMPUTERS
11 SUBJECT TO THE LIMITATIONS IN THE FOURTH AMENDMENT TO THE UNITED
12 STATES CONSTITUTION AND SECTION 7 OF ARTICLE II OF THE COLORADO
13 CONSTITUTION..

14 (f) WHEN IN THE COURSE OF A CORONER INVESTIGATION, A DEATH
15 BECOMES SUSPICIOUS OR THE POSSIBILITY OF CRIMINAL ACTIVITY ARISES,
16 THE CORONER SHALL IMMEDIATELY CONSULT WITH THE DISTRICT
17 ATTORNEY OR LAW ENFORCEMENT IN THE JURISDICTION WHERE THE
18 EVENTS THAT CAUSED THE DEATH OCCURRED.

19 (g) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE CORONER
20 MAY TAKE CUSTODY OF PRESCRIPTION MEDICATIONS DISPENSED TO THE
21 DECEASED TO ASSIST IN DETERMINING THE CAUSE AND MANNER OF DEATH
22 SUBJECT TO THE LIMITATIONS IN THE FOURTH AMENDMENT TO THE UNITED
23 STATES CONSTITUTION AND SECTION 7 OF ARTICLE II OF THE COLORADO
24 CONSTITUTION. THE CORONER SHALL PROPERLY DOCUMENT, STORE, AND
25 DISPOSE OF THE MEDICATIONS OR REQUEST LAW ENFORCEMENT TO
26 DOCUMENT, STORE, AND DISPOSE OF THE MEDICATIONS.

27 (2) The coroner OR HIS OR HER DESIGNEE shall perform a forensic
28 autopsy or have a forensic autopsy performed as required by section
29 30-10-606.5 or upon the request of the district attorney. FAILURE TO
30 COMPLY WITH THIS SECTION MAY BE PROSECUTED AS A VIOLATION OF
31 18-8-405, C.R.S.

32 (2.5) IN THE CASE OF A NONCRIMINAL INVESTIGATION, THE
33 CORONER, IN COOPERATION WITH THE PUBLIC ADMINISTRATOR IF
34 APPLICABLE, MAY TAKE APPROPRIATE MEASURES TO SAFEGUARD THE
35 PROPERTY AND ITS CONTENTS. THE CORONER MAY CHARGE THE COSTS OF
36 SECURING THE PREMISES AGAINST THE ESTATE OF THE DECEASED. A
37 CORONER WHO SECURES OR SAFEGUARDS THE PROPERTY AND ITS
38 CONTENTS IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGE TO OR LOSS OF
39 THE PROPERTY OR ITS CONTENTS.

40 (2.7) A CORONER SHALL COMPLY WITH INFORMATION REQUESTS
41 FOR STATISTICAL OR RESEARCH PURPOSES FROM THE DEPARTMENT OF

1 PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF
2 TRANSPORTATION.

3 (3) When the coroner has knowledge that any person has died
4 under any of the circumstances specified in subsection (1) of this section,
5 he may summon forthwith six citizens of the county to appear at a place
6 named to hold an inquest to hear testimony and to make such inquiries as
7 he deems appropriate.

8 (4) (a) In all cases where the coroner has held an investigation or
9 inquest, the certificate of death shall be issued by the coroner. ~~or the~~
10 ~~coroner's deputy.~~

11 (b) Any certificate of death issued by a coroner ~~or a coroner's~~
12 ~~deputy~~ shall be filed with the registrar and shall state ~~their~~ THE findings
13 concerning the nature of the disease or the manner of death, and, if from
14 external causes, the certificate shall state ~~whether in their opinion~~ THE
15 MANNER OF death. ~~was accidental, suicidal, or felonious~~ In addition, the
16 certificate shall include the information described in section 25-2-103 (3)
17 (b), C.R.S., whenever the subject of the investigation or inquest is under
18 one year of age.

19 (c) A copy of the certificate of death or affidavit of presumed
20 death, including any related documents and statements of fact, shall be
21 retained INDEFINITELY in the applicable county in a secure location in an
22 appropriate county facility accessible only to the county coroner or the
23 coroner's designee and in a manner that is consistent with the county's
24 record retention policy and federal law.

25 (5) Nothing in this section shall be construed to require an
26 investigation, autopsy, or inquest in any case where death occurred
27 without medical attendance solely because the deceased was under
28 treatment by prayer or spiritual means alone in accordance with the tenets
29 and practices of a well-recognized church or religious denomination.

30 (6) (a) Notwithstanding sections 12-43-218 and 13-90-107 (1) (d)
31 or (1) (g), C.R.S., the coroner holding an inquest or investigation pursuant
32 to this section has the authority to request and receive a copy of:

33 (I) Any autopsy report or medical information from any
34 pathologist, physician, dentist, hospital, or health care provider or
35 institution if such report or information is relevant to the inquest or
36 investigation; and

37 (II) Any information, record, or report related to treatment,
38 consultation, counseling, or therapy services from any licensed
39 psychologist, professional counselor, marriage and family therapist, social
40 worker, or addiction counselor, certified addiction counselor, or
41 registered psychotherapist if the report, record, or information is relevant

1 to the inquest or investigation.

2 (b) The coroner OR HIS OR HER DESIGNEE shall, at the request of
3 the district attorney or attorney general, release to the district attorney or
4 attorney general any autopsy report or medical information described in
5 subparagraph (I) of paragraph (a) of this subsection (6) that the coroner
6 obtains pursuant to paragraph (a) of this subsection (6).

7 (c) The coroner OR HIS OR HER DESIGNEE shall not release to any
8 party any information, record, or report described in subparagraph (II) of
9 paragraph (a) of this subsection (6) that the coroner obtains pursuant to
10 paragraph (a) of this subsection (6).

11 (d) Any person who complies with a request from a coroner OR
12 HIS OR HER DESIGNEE pursuant to paragraph (a) of this subsection (6) shall
13 be immune from any civil or criminal liability that might otherwise be
14 incurred or imposed with respect to the disclosure of confidential patient
15 or client information.

16 **SECTION 4. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety."

** ** ** *